

1 UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF NORTH CAROLINA
3 CHARLOTTE DIVISION
4 CIVIL ACTION NO. 3:20-CV-00504-FDW-DSC
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7 CPI SECURITY SYSTEMS, INC.,)

)

8 Plaintiff,)

)

9 vs.)

)

10 VIVINT SMART HOME, INC. f/k/a)

Mosaic Acquisitions)

Corporation; and LEGACY VIVINT)

11 SMART HOME, INC. f/k/a Vivint)

Smart Home, Inc.,)

12)

Defendants and)

13 Counterclaimants.)

)

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17
18 DEPOSITION OF JOYCE MARISO
19 (TAKEN BY PLAINTIFF)
20 TAKEN VIA ZOOM
21 Thursday, August 19, 2021
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23
24

25 Reported in Stenotype by
Erin Ramsey
Transcript produced by computer-aide transcription

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES</p> <p>2 ON BEHALF OF PLAINTIFF:</p> <p>3 ERIC HOBBS, ESQUIRE</p> <p>4 Shook, Hardy & Bacon, LLP</p> <p>5 1660 17th Street</p> <p>6 Suite 450</p> <p>7 Denver, Colorado 80202</p> <p>8 (303) 285-5300</p> <p>9 Ehobbs@shb.com</p> <p>10</p> <p>11 ON BEHALF OF DEFENDANT:</p> <p>12 GREGORY HERBERT, ESQUIRE</p> <p>13 Greenberg Traurig</p> <p>14 450 S. Orange Avenue</p> <p>15 Suite 650</p> <p>16 Orlando, Florida 32801</p> <p>17 (407) 420-1000</p> <p>18 Herbertg@gtlaw.com</p> <p>19 Job No. CS4749790</p> <p>20</p> <p>21</p> <p>22 DEPOSITION OF JOYCE MARISO, a witness called on</p> <p>23 behalf Plaintiff, before Erin Ramsey, Notary Public,</p> <p>24 in and for the State of North Carolina, taken via Zoom</p> <p>25 on Thursday, August 19, 2021, commencing at 1:03 p.m.</p>	<p style="text-align: right;">Page 4</p> <p>1 THE VIDEOGRAPHER: This is the beginning</p> <p>2 of the videotape deposition of Joyce Mariso in the</p> <p>3 matter of CPI Security Systems, Incorporated, versus</p> <p>4 Vivint Smart Home, Incorporated, et al. Today's date</p> <p>5 is August 19th, 2021, and the time is 1:03 p.m.</p> <p>6 Counsel, please introduce yourselves after</p> <p>7 which our court reporter will swear in the witness.</p> <p>8 MR. HOBBS: Yes. This is Eric Hobbs at</p> <p>9 the law firm at Shook, Hardy & Bacon on behalf of CPI,</p> <p>10 the plaintiff.</p> <p>11 MR. HERBERT: Good afternoon. This is</p> <p>12 Gregory Herbert with the law firm Greenberg Traurig on</p> <p>13 behalf of the defendants. And also with me listening</p> <p>14 in is Matthew Steward of the law firm Clyde Snow also</p> <p>15 on behalf of defendant, and my paralegal Paula Castro</p> <p>16 is listening in.</p> <p>17 JOYCE MARISO,</p> <p>18 called as a witness by the Plaintiff, was first duly</p> <p>19 sworn, as hereinafter certified, examined, and</p> <p>20 testified as follows:</p> <p>21 EXAMINATION</p> <p>22 BY MR. HOBBS:</p> <p>23 Q. Okay. Well, thank you for joining us. I know</p> <p>24 it's this afternoon your time on the east coast,</p> <p>25 Mrs. Mariso. It's still morning here in Denver,</p>
<p style="text-align: right;">Page 3</p> <p>1 INDEX OF EXAMINATIONS</p> <p>2 BY MR. HOBBS..... PAGE 4</p> <p>3 BY MR. HERBERT..... PAGE 54</p> <p>4 BY MR. HOBBS..... PAGE 70</p> <p>5</p> <p>6</p> <p>7 INDEX OF EXHIBITS</p> <p>8 NUMBER EXHIBIT MARKED</p> <p>9 Exhibit 1 CPI Contract.....12</p> <p>10 Exhibit 2 Vivint Contract.....33</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 Colorado where I'm Zooming in from. Again, my name is</p> <p>2 Eric Hobbs, I'm one of the attorneys on behalf of the</p> <p>3 plaintiff in this lawsuit, CPI Security Systems.</p> <p>4 Let me first just start by saying thank you for</p> <p>5 joining us. The pandemic has forced us to practice</p> <p>6 law in a new way taking depositions like virtually</p> <p>7 this as opposed to in person. It does cut down on our</p> <p>8 travel costs, sometimes it does create additional</p> <p>9 obstacles but thank you for allowing us to join in and</p> <p>10 virtually come into your home.</p> <p>11 If for any reason we have any technical</p> <p>12 difficulties or if we have -- we get disconnected in</p> <p>13 some way we will either try to telephone or e-mail you</p> <p>14 and reestablish a connection. But I ask that you</p> <p>15 please kind of stand by for a few minutes so we can do</p> <p>16 that. Is that okay?</p> <p>17 A. Okay.</p> <p>18 Q. Have you given a deposition before?</p> <p>19 A. I don't think so. Let me see. Uh-uh.</p> <p>20 Q. Okay. Well, I know this can be kind of a</p> <p>21 strange process but this will proceed kind of like</p> <p>22 you're sitting in court where both of the attorneys</p> <p>23 will have opportunities to ask you questions, the</p> <p>24 other attorney might make objections. Although</p> <p>25 there's not a court here to -- or a judge here to rule</p>

<p style="text-align: right;">Page 6</p> <p>1 on those objections, typically when an objection is 2 stated we'll go ahead and ask you to just go ahead and 3 answer the question; does that make sense? 4 A. Okay. Okay. 5 Q. Similarly, Erin Ramsey is our court reporter 6 here today and she is kindly typing out our 7 conversation as we have it and I'm always told by the 8 court reporters that it makes their jobs easier if the 9 witness could allow the attorney to finish their 10 question before you start your answer that way 11 Mrs. Ramsey can get a clean transcript; can you do 12 that? 13 A. Yes. And I have something to say. 14 Q. Sure. 15 A. I don't know how many years ago it was, maybe 16 ten. A case against Goya because I found something -- 17 so I think -- I was it was a deposition. So I don't 18 want to say no and then find out so I think that 19 was -- 20 Q. Okay. But that was more than ten years ago? 21 A. Where I gave testimony yeah I gave testimony 22 yeah. 23 Q. But was that in court or in a deposition? 24 A. It was on screen and it was in the lawyer's 25 office and there was a big room, you know, like a</p>	<p style="text-align: right;">Page 8</p> <p>1 that address? 2 A. Summit Ridge Loop in Morrisville. Here in 3 North Carolina but in Morrisville. We lived there for 4 maybe a year and a half and -- because I came in 2015 5 so yeah, like two years we lived in Morrisville and 6 then I had my home built and we moved here. 7 Q. You said you came in 2015, did you move from 8 somewhere else? 9 A. Brooklyn, New York. 10 Q. And how long did you spend in New York? 11 A. All my life. So take my age minus six years 12 and so -- 13 Q. Understood. 14 A. I was in New York all my life. 15 Q. Understood. Are you currently employed? 16 A. No, I'm retired. 17 Q. Where did you work before you retired? 18 A. State Insurance Fund. 19 Q. And what was your position with State 20 Insurance? 21 A. I was a supervisor in the service department. 22 Q. How long did you hold that role? 23 A. Oh, I retired, like, 18 years. But that role 24 that -- because I worked my way up. I didn't start as 25 a supervisor.</p>
<p style="text-align: right;">Page 7</p> <p>1 conference room type setting -- 2 Q. Was that in North Carolina? 3 A. -- and had to be questioned by both attorneys, 4 yes. 5 Q. Okay. Was that there in North Carolina? 6 A. No, that's when I lived in New York. That was 7 a while ago. 8 Q. Okay. Okay. One last thing that I'll say just 9 so it doesn't become confusing. Sometimes I might 10 reference can you explain for the jury or I might say 11 help the jury understand. The reason I do that is 12 ultimately this video which is being recorded today 13 might get played for the jury in our case; do you 14 understand that? 15 A. Okay. Okay. Yes. 16 Q. Let me just first have you spell your full name 17 for the record. 18 A. Okay. Joyce, J-o-y-c-e, last name Mariso, 19 M-a-r-i-s-o. 20 Q. And Mrs. Mariso, what is your current address? 21 A. 404 Sportsman Trail, Wendell, North Carolina 22 27590. 91, 91. 23 Q. And how long have you been at that address 24 A. We built four years. Four years. 25 Q. Okay. And where were you before you moved to</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. Okay. 2 A. So I took that specific -- I might have been 3 there for five years. Yeah, in that position but I 4 retired from State Insurance Fund. 5 Q. Okay. And how long total did you spend with 6 that company? 7 A. Like 18 years. 8 Q. And what is the highest level of education 9 you've attained? 10 A. Two years of college. I never finished. I 11 never went back to finish. 12 Q. Was that in New York? 13 A. Yes. 14 Q. Do you recall the name of the university? 15 A. The name of the university? Yes. I went to 16 Medgar Evers College and Hunter College. 17 Q. And before I go any further I've been saying 18 Mrs. Mariso, are you currently married? 19 A. Yes, I am. 20 Q. What is your husband's name? 21 A. Phillip, double L. 22 Q. How long have you been married to Phillip? 23 A. 30 years. 24 Q. Congratulations. 25 A. Thank you. My anniversary was two weeks ago.</p>

<p style="text-align: right;">Page 10</p> <p>1 Q. Did you do anything fun?</p> <p>2 A. No. But the end of September we're going away</p> <p>3 to Ocean City. Yeah, yeah.</p> <p>4 Q. Do you and Phillip have any children?</p> <p>5 A. Yes, we do.</p> <p>6 Q. How many?</p> <p>7 A. Two.</p> <p>8 Q. What are their names?</p> <p>9 A. My daughter, Nia Mariso and my son, Naylor</p> <p>10 Kwakou Robinson.</p> <p>11 Q. Okay. Just so I'm clear, what were those two</p> <p>12 names?</p> <p>13 A. My daughter is Nia, N-i-a, Mariso and my son is</p> <p>14 Naylor, N-a-y-l-o-r, Robinson, R-o-b-i-n-s-o-n.</p> <p>15 Q. And how old are each of your daughters?</p> <p>16 A. No. My son is Naylor and my daughter is Nia.</p> <p>17 And my son is 37 and my daughter is 27.</p> <p>18 Q. Does anybody else live with you at your home</p> <p>19 right now?</p> <p>20 A. Yes, my mother does. I brought my mom to live</p> <p>21 with me.</p> <p>22 Q. And what is her name?</p> <p>23 A. All this is necessary? Della, D-e-l-l-a</p> <p>24 Goodman.</p> <p>25 Q. Okay. And does Nia live with you as well?</p>	<p style="text-align: right;">Page 12</p> <p>1 service provider?</p> <p>2 A. Well, basically because I'm -- the builders and</p> <p>3 they -- you know you go to those different workshops</p> <p>4 or whatever you call them and CPI was in the community</p> <p>5 so it was like presented to us, you know, when we</p> <p>6 initially did the paperwork and when you go to the</p> <p>7 showroom. CPI -- it wasn't part of the contract but</p> <p>8 they offered it to you.</p> <p>9 Q. Okay. Had you heard of CPI before from being</p> <p>10 in North Carolina?</p> <p>11 A. Not really. Because in New York it's not</p> <p>12 like -- no, I hadn't.</p> <p>13 Q. Okay. I'm going to pull up an exhibit that I'm</p> <p>14 going mark as Exhibit 1. I'm going to share it one my</p> <p>15 screen if you'll bear with me for a moment. It takes</p> <p>16 a --</p> <p>17 A. Okay.</p> <p>18 Q. -- couple clicks of a mouse here. For the</p> <p>19 record this is CPI 376 through 377.</p> <p>20 Okay. Mrs. Mariso, I brought up on my screen</p> <p>21 what I mark as Exhibit 1. Are you able to see that on</p> <p>22 your screen?</p> <p>23 (Plaintiff's Exhibit 1 was marked for</p> <p>24 identification.)</p> <p>25 A. Yes, that's what we -- yes, yes.</p>
<p style="text-align: right;">Page 11</p> <p>1 A. Yes, she does.</p> <p>2 Q. Okay. Anybody else?</p> <p>3 A. Nope. Phillip, myself, Nia, and my mom.</p> <p>4 Q. Okay. I want to turn now and just ask you some</p> <p>5 general questions about your alarm system in your</p> <p>6 home. Let me first ask, do you currently have an</p> <p>7 alarm system in your home?</p> <p>8 A. Yeah. Yes, we do.</p> <p>9 Q. And who is the provider of that alarm system</p> <p>10 currently?</p> <p>11 A. CPI.</p> <p>12 Q. Okay. When did you first get CPI's alarm</p> <p>13 system installed into your home?</p> <p>14 A. When they was building they installed it.</p> <p>15 Q. Okay. And I think you testified a few moments</p> <p>16 ago that you lived at one address while they were</p> <p>17 building another home.</p> <p>18 A. Yes.</p> <p>19 Q. Is that the home that you're joining us from</p> <p>20 today?</p> <p>21 A. I'm at the home where I built, yes.</p> <p>22 Q. Okay. And is that the 404 Sportsman Trail</p> <p>23 address?</p> <p>24 A. Yes, it is, yes.</p> <p>25 Q. Why did you initially choose CPI as your alarm</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. Okay. Do you recognize this document.</p> <p>2 A. I certainly do.</p> <p>3 Q. Okay. What is it?</p> <p>4 A. That's the contract that we have with CPI.</p> <p>5 Q. Okay. And up at the top do you see your name</p> <p>6 there?</p> <p>7 A. Yes.</p> <p>8 Q. And that is your address and phone number?</p> <p>9 A. Well, that's probably -- that's probably my</p> <p>10 husband's phone number.</p> <p>11 Q. Okay.</p> <p>12 A. I can check it. Yeah. It's 917 it's one of</p> <p>13 ours because it's from New York.</p> <p>14 Q. Okay. I'm going to scroll down to the bottom</p> <p>15 of the first page here. You can see where I marked it</p> <p>16 as Exhibit 1. Over here at the bottom left there's a</p> <p>17 signature there. Do you recognize that signature?</p> <p>18 A. Yeah, that's my signature.</p> <p>19 Q. Okay. And do you see where it's dated right</p> <p>20 below your signature?</p> <p>21 A. Mm-hmm. That's right.</p> <p>22 Q. Do you see it dated as 10/30/17?</p> <p>23 A. 2017, yep. That's when we moved in.</p> <p>24 Q. Okay. That was going to be my question. Is</p> <p>25 that when your services with CPI began?</p>

<p style="text-align: right;">Page 14</p> <p>1 A. Yes.</p> <p>2 Q. If I scroll up a little bit kind of towards the</p> <p>3 middle of this first page there's an amount written</p> <p>4 there it says 49.99; do you see that?</p> <p>5 A. Yep, mm-hmm.</p> <p>6 Q. Were you paying CPI on a monthly basis for your</p> <p>7 home alarm monitoring?</p> <p>8 A. Yes.</p> <p>9 Q. And was that the amount that you were paying</p> <p>10 CPI?</p> <p>11 A. Yep. Yes, it is.</p> <p>12 Q. Before I pull this document down up at the top</p> <p>13 left it says equipment package and it kind of has some</p> <p>14 handwritten marks in that section. We don't need to</p> <p>15 go through every single one of those, but can you just</p> <p>16 generally describe what the alarm system that CPI</p> <p>17 installed in your home was comprised of?</p> <p>18 A. The door camera, the windows have the alarm</p> <p>19 stickers on them, my mom's room, the living room</p> <p>20 windows, we have so many windows. But they gave us a</p> <p>21 nice package. So we have the alarm upstairs and then,</p> <p>22 you know, when you open and close the doors it tells</p> <p>23 you, the voice. And yeah, stuff like that.</p> <p>24 Q. Now, the main kind of keypad system that they</p> <p>25 provided you, was that digital or was it kind of --</p>	<p style="text-align: right;">Page 16</p> <p>1 company were you generally happy with the CPI system</p> <p>2 in your home?</p> <p>3 A. Was -- ask me again, Eric, what you say?</p> <p>4 Q. Were you happy with the CPI system that was in</p> <p>5 your home?</p> <p>6 A. Yes, yes. And if we ever had any problems they</p> <p>7 would come but I don't know -- I mean yeah, it was</p> <p>8 fine.</p> <p>9 Q. As a part of CPI providing you an alarm system</p> <p>10 did they also give you some sort of yard sign to put</p> <p>11 out in front of your house?</p> <p>12 A. Yes, they did.</p> <p>13 Q. Can you describe for the jury what that looked</p> <p>14 like?</p> <p>15 A. What is it, red and white octagon I think it</p> <p>16 was eight or is it a circle? Whichever, but it's CPI</p> <p>17 and you stick it in the ground in the front yard.</p> <p>18 Q. And did you place that in front of your home?</p> <p>19 A. Sure, yeah.</p> <p>20 Q. Would it have been out there from the point of</p> <p>21 when you entered into the contract with CPI?</p> <p>22 A. Oh, yes.</p> <p>23 Q. Now, what about any stickers or anything like</p> <p>24 that, did you place any -- did CPI give you any</p> <p>25 stickers to place on windows?</p>
<p style="text-align: right;">Page 15</p> <p>1 did it have actual physical buttons on it?</p> <p>2 A. No. It was -- okay. So since then it changed</p> <p>3 it. The initial one -- it was an update. So the</p> <p>4 initial one -- the initial one may have had keypads.</p> <p>5 Not a keypad but -- no, it was always digital.</p> <p>6 Q. Okay.</p> <p>7 A. But it had -- it was different than the one now</p> <p>8 because you know you guys upgraded.</p> <p>9 Q. Okay. We'll come back to that in a moment but</p> <p>10 my last question on this document is below where it</p> <p>11 describes the equipment it says package equipment</p> <p>12 costs and it looks like it was zero written there; do</p> <p>13 you see that?</p> <p>14 A. Yes.</p> <p>15 Q. Do you recall when CPI initially began</p> <p>16 providing you this alarm that they provided you all</p> <p>17 that equipment at zero cost?</p> <p>18 A. That's right. Sure did.</p> <p>19 Q. Okay.</p> <p>20 A. And that's why -- okay. But go ahead. Let me</p> <p>21 answer not out of order. Go ahead.</p> <p>22 Q. Sure. Sure. I'm just going to pull this</p> <p>23 document down. We'll talk about your interactions</p> <p>24 with another alarm company here in a second but before</p> <p>25 we get there -- before you were approached by another</p>	<p style="text-align: right;">Page 17</p> <p>1 A. No. We never had any stickers, only the sign</p> <p>2 that sits in the front yard.</p> <p>3 Q. Okay. And would that sign be visible to anyone</p> <p>4 that was walking up to your home?</p> <p>5 A. Yes.</p> <p>6 Q. I want to turn now and talk to you about your</p> <p>7 interaction with another alarm company last summer; is</p> <p>8 that okay?</p> <p>9 A. Yes.</p> <p>10 Q. Before we go too far let me just ask about the</p> <p>11 date of that interaction. Do you recall the date that</p> <p>12 that happened?</p> <p>13 A. I should have checked. I would have to look</p> <p>14 up.</p> <p>15 Q. Actually Mrs. Mariso, we can come back to that</p> <p>16 and I'll ask you some questions about that.</p> <p>17 A. Okay.</p> <p>18 Q. Let me first ask, it looks like you're flipping</p> <p>19 through a few papers; what is it that you have in</p> <p>20 front of you?</p> <p>21 A. Well, I had my cell phone in front of me. I</p> <p>22 was going to look up some messages. First I had to</p> <p>23 think of the name so yeah.</p> <p>24 Q. And that's okay. Go ahead and set that aside</p> <p>25 and?</p>

<p style="text-align: right;">Page 18</p> <p>1 A. Okay.</p> <p>2 Q. Maybe some of the other documents we'll look at</p> <p>3 will refresh your recollection.</p> <p>4 A. Okay.</p> <p>5 Q. But generally speaking in terms of timing was</p> <p>6 this interaction -- did it happen in the year 2020?</p> <p>7 A. COVID -- no, the year before. Last year was</p> <p>8 COVID, right? So this is 2021. Was it in 2019, the</p> <p>9 latter part of -- I'd have to go look. 2020 was just</p> <p>10 last year. Nothing much happened last year. If it</p> <p>11 was it was in the beginning or it was the end of 2019.</p> <p>12 Q. Okay. Again, we'll come back to that and we'll</p> <p>13 see if maybe anything can refresh your recollection.</p> <p>14 Let me ask, where were you when this interaction took</p> <p>15 place?</p> <p>16 MR. HERBERT: Object to the form of the</p> <p>17 questions.</p> <p>18 I'm sorry Ms. Mariso, as Mr. Hobbs warned</p> <p>19 you, I might make an objection here and there. And I</p> <p>20 got to get my peace in so I might say object to the</p> <p>21 form of the question. And I'm just putting it on the</p> <p>22 record to note my objection to the manner in which the</p> <p>23 question was asked. Okay.</p> <p>24 THE WITNESS: Okay.</p> <p>25 MR. HERBERT: I'll try not to interrupt</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Okay.</p> <p>2 A. So we were here at home.</p> <p>3 Q. Right. What I'd like to do is go as slowly as</p> <p>4 possible. I know it can be hard just through a series</p> <p>5 of questions about how this interaction unfolded.</p> <p>6 So it sounds like you were inside your home and</p> <p>7 at some point did you go outside of your home or did</p> <p>8 -- did your husband and daughter come inside your</p> <p>9 home?</p> <p>10 MR. HERBERT: Object to form.</p> <p>11 A. Yeah. My -- eventually they came in and then</p> <p>12 the gentleman come in. So did he have on a mask, was</p> <p>13 it 2020? Okay. So anyway, go ahead.</p> <p>14 Q. So your husband and daughter came in and then a</p> <p>15 gentleman came in. Who was that gentleman?</p> <p>16 A. I think his name was Bob. Gosh. He was a</p> <p>17 representative for Vivint and I think his name was</p> <p>18 Bob.</p> <p>19 Q. Okay. And when -- again, I just want to go</p> <p>20 very slowly through the dialogue that you had with</p> <p>21 this individual.</p> <p>22 A. Okay.</p> <p>23 Q. When they came into your home what do you</p> <p>24 recall initially discussing with this representative?</p> <p>25 MR. HERBERT: Object to the form of the</p>
<p style="text-align: right;">Page 19</p> <p>1 you. I'll try to get my objection in there quickly so</p> <p>2 I don't speak over you.</p> <p>3 THE WITNESS: Okay.</p> <p>4 MR. HERBERT: Okay. Thank you.</p> <p>5 THE WITNESS: What did he object to? What</p> <p>6 question you was asking me?</p> <p>7 BY MR. HOBBS:</p> <p>8 Q. I'll ask the same question so there will be the</p> <p>9 same objection.</p> <p>10 Where were you when this interaction took place</p> <p>11 with another company?</p> <p>12 MR. HERBERT: Same objection.</p> <p>13 A. I got to ask you when you say where was I do</p> <p>14 you mean in terms of in the house, outside? What do</p> <p>15 you mean where was I?</p> <p>16 Q. That's I guess my question. I'm sorry if it</p> <p>17 was a bad question. Where did the interaction take</p> <p>18 place. Was it at your house or someplace --</p> <p>19 A. My home, yes. My daughter and my husband was</p> <p>20 outside talking to -- was his name Bob? Anyway -- and</p> <p>21 I was here in the home, yes and then they called me</p> <p>22 because they were so enthused with everything he was</p> <p>23 feeding them.</p> <p>24 Q. Okay.</p> <p>25 A. Yeah.</p>	<p style="text-align: right;">Page 21</p> <p>1 question, foundation, compound, and leading.</p> <p>2 A. It was Ben. Ben.</p> <p>3 Q. Okay. So when Ben came into your home, subject</p> <p>4 to the same objection, what do you recall discussing</p> <p>5 with him initially?</p> <p>6 MR. HERBERT: Same objection.</p> <p>7 A. Is he on my phone? It doesn't say the year.</p> <p>8 So September 3rd -- so it had to be -- what is this?</p> <p>9 This is September so it couldn't have been -- it had</p> <p>10 to be 2019.</p> <p>11 Q. Okay. And we'll come back to the date here in</p> <p>12 a moment --</p> <p>13 A. Yeah.</p> <p>14 Q. -- Mrs. Mariso.</p> <p>15 A. Because that's September 3rd. I'm ready.</p> <p>16 Q. What I'd like to focus on is substance of the</p> <p>17 conversation you had.</p> <p>18 A. Okay.</p> <p>19 Q. So when Ben came into your home what do you</p> <p>20 recall him saying to you at least initially?</p> <p>21 MR. HERBERT: Object to form.</p> <p>22 A. Can I answer? Did he object again?</p> <p>23 Q. Yeah. So just again, there will be objections</p> <p>24 but go ahead and answer the question after that.</p> <p>25 A. Okay. Basically he came in and he was trying</p>

<p style="text-align: right;">Page 22</p> <p>1 to persuade me how Vivint was a better product than 2 CPI. And he even went as far as to say they were 3 taking over CPI and the equipment that we have from 4 CPI was made by who they have their equipment made by 5 and that the equipment was better and what they had to 6 offer, and I was letting him know that what I was 7 getting was fine at the 49.99. And he was saying I 8 can give it to you for 59.99. So then by the time it 9 all ended it was like 89.99 and then we winded up 10 having to take out a loan with this company that we 11 had to pay for the equipment. I didn't pay for 12 anything for CPI. 13 Q. Okay. 14 A. Go ahead. 15 Q. I'm sorry to interrupt but you covered a lot of 16 ground there and so I just want to ask a few specific 17 follow-up questions about a few of the things that you 18 discussed. 19 A. Okay. 20 Q. So you indicated that Ben mentioned something 21 about Vivint taking over CPI. Did I hear you 22 correctly? 23 A. Yes. 24 Q. What did he say in that regard? 25 A. Word verbatim I can't really remember to be</p>	<p style="text-align: right;">Page 24</p> <p>1 and how he would keep the cost minimal and it will be 2 done as soon as possible and that's another thing I 3 just didn't go over it. Install the equipment as soon 4 as possible and how we needed to call CPI and 5 disconnect so they could come in and do theirs. It 6 was all just moving so fast. And then -- I guess I'm 7 jumping but when the night was all done it was like 8 this man was knocking at the door and it's like nine 9 o'clock at night 20 to 10:00 and I'm like what are you 10 doing and he's, like, coming in because Ben told him 11 to come to put the equipment in. 12 So he said that we had to call CPI right then 13 to tell them to cut off our equipment, which is what 14 we did. And then things just wasn't sitting right, 15 you know. And then when we got this call from this 16 company that we owed all this -- it was so much money 17 from -- 18 Q. Let me -- I don't mean interrupt. 19 A. I'm going too fast, too far. 20 Q. Yeah, I just want to make sure your testimony 21 is clear for the jury. 22 A. Okay. 23 Q. It's a couple of follow-up questions before we 24 kind of go further in time in this interaction. 25 A. Okay.</p>
<p style="text-align: right;">Page 23</p> <p>1 honest but -- 2 MR. HERBERT: I'm sorry Ms. Mariso, I 3 forgot to note my object to the form but you can 4 continue. 5 A. Okay. Okay. Word verbatim I don't remember 6 exactly everything but he led us to believe that 7 Vivint was going to be in charge of CPI or was in 8 charge of CPI. 9 Q. And did you believe him when he told you that? 10 A. Yeah, we did. He was good. He really was. 11 Q. Did that statement cause you to continue the 12 conversation with Ben that day? 13 A. Yes. 14 MR. HERBERT: Object to form. 15 A. What did he say? 16 Q. And so again, I just kind of want to go frame 17 by frame through the discussion to the best that you 18 can recall. After you had that initial discussion 19 with Ben do you remember anything else that he said to 20 you before you got to signing any paperwork or doing 21 anything like that? 22 A. Yep. 23 Q. What else did he tell you? 24 A. Like I said, basically that CPI's equipment 25 wasn't that great and how their equipment was better</p>	<p style="text-align: right;">Page 25</p> <p>1 Q. One of the things you testified to a moment ago 2 is that Ben stated something about the equipment that 3 was already in your home was manufactured by the same 4 company or something like that did I -- 5 A. Yes 6 MR. HERBERT: Object to the form. 7 Q. And I know I'm not exactly reciting your 8 testimony correctly and that's why I wanted to ask you 9 what specifically did he say in that regard? 10 MR. HERBERT: Same objection. 11 A. He said that the same that made Vivint's 12 equipment is the company that was making CPI's but 13 Vivint's equipment is better than what they were 14 making -- like, their's was secondary, it wasn't as 15 good as the equipment that Vivint had. 16 Q. Okay. And did he talk about any relationship 17 between Vivint and CPI beyond what you already 18 testified to? 19 MR. HERBERT: Object to form. 20 A. Nothing. Just the fact that Vivint was -- he 21 was telling us, like, CPI was a subdivision at this 22 point or was going to be of Vivint. 23 Q. Okay. Now, couple other questions for you. 24 Well, let me first ask, did you ultimately signing 25 anything that day?</p>

<p style="text-align: right;">Page 26</p> <p>1 A. Mm-hmm yeah.</p> <p>2 Q. And I think you testified a moment ago that</p> <p>3 ultimately they did swap out your equipment that day?</p> <p>4 A. That night. Yes, they did.</p> <p>5 Q. Before we get into --</p> <p>6 A. They couldn't get the door knob -- the door</p> <p>7 alarm to work because they couldn't override the CPI</p> <p>8 code on the wall so they couldn't get it to work so</p> <p>9 then he was going to come back but then they didn't</p> <p>10 come back and that's when we got that letter about how</p> <p>11 much we owed for the equipment.</p> <p>12 Q. Okay. I want to kind of talk about each of</p> <p>13 these things in turn.</p> <p>14 A. Okay.</p> <p>15 Q. But before you went to sign anything that day</p> <p>16 did Ben indicate anything about running a credit</p> <p>17 check?</p> <p>18 MR. HERBERT: Object to form.</p> <p>19 THE WITNESS: What did he say? I'm sorry.</p> <p>20 MR. HERBERT: I object to form is what I</p> <p>21 said.</p> <p>22 THE WITNESS: Okay. So answer?</p> <p>23 Q. Yes, please.</p> <p>24 A. I signed it and he said something about once</p> <p>25 the equipment was in that it was ours, something along</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. Okay. How so?</p> <p>2 A. Because --</p> <p>3 MR. HERBERT: Object to the form. I'm</p> <p>4 sorry, Ms. Mariso. I got to object to the form.</p> <p>5 THE WITNESS: Okay. It's all right.</p> <p>6 MR. HERBERT: Okay. I got to object to</p> <p>7 the whole line of questioning as calling for hearsay</p> <p>8 and lacking foundation and otherwise being improper in</p> <p>9 form, but with that please go ahead.</p> <p>10 THE WITNESS: Because she would have to be</p> <p>11 here to do it, that's what he's saying, do it herself.</p> <p>12 MR. HOBBS: He's just stating an objection</p> <p>13 for the record, Mrs. Mariso. Subject to those</p> <p>14 objections I will ask a couple of additional questions</p> <p>15 on this topic.</p> <p>16 You testified that Ben did not run a</p> <p>17 credit check on you but instead on Nia; did I</p> <p>18 understand your testimony correctly?</p> <p>19 A. Yes. If I remember correctly that's the way it</p> <p>20 went yes.</p> <p>21 Q. And why was that?</p> <p>22 A. Because I had just gotten a home and I didn't</p> <p>23 want it. No.</p> <p>24 Q. And when -- did you ever discuss with Nia this</p> <p>25 issue of running a credit check using her name?</p>
<p style="text-align: right;">Page 27</p> <p>1 that nature. But I felt after all the equipment</p> <p>2 wasn't still here because the door lock wasn't here so</p> <p>3 therefore it still wasn't done, it wasn't a signed</p> <p>4 contract as far as I was concerned.</p> <p>5 Q. Okay.</p> <p>6 A. And I didn't say anything about you doing a</p> <p>7 credit check to, like, have to -- it was like I was</p> <p>8 paying for this equipment and the bill had gone up so</p> <p>9 high then I owed this company plus I owed Vivint and</p> <p>10 no, I didn't want it.</p> <p>11 Q. Okay. I just want to kind of come back to the</p> <p>12 specific question I was asking. Did you at any point</p> <p>13 that day discuss whether Vivint would run a credit</p> <p>14 check on you?</p> <p>15 A. Yeah. He didn't run a credit check on me</p> <p>16 because we had just gotten -- but he did my daughter,</p> <p>17 yeah.</p> <p>18 Q. Okay. And why did he run it on your daughter</p> <p>19 and not you, did you have --</p> <p>20 A. Because I told him I didn't want it on me.</p> <p>21 Q. Okay. Did he ask your daughter for permission</p> <p>22 to run her credit -- run a check on her credit?</p> <p>23 A. No, he -- well, she was a little upset after he</p> <p>24 did it but it was like -- a no and a yes if that's</p> <p>25 possible.</p>	<p style="text-align: right;">Page 29</p> <p>1 MR. HERBERT: Form.</p> <p>2 A. Yeah, she was here. She was here. And my</p> <p>3 husband was here, we all were here. Because what</p> <p>4 happened initially was that Ben overtook them so to</p> <p>5 speak. He had drawn them in and then when I came</p> <p>6 because I'm not that easy -- I was like no, no, no,</p> <p>7 and then he kept giving us reasons why, why, why and</p> <p>8 they was loving the equipment and what have you. And</p> <p>9 that's why she said okay. Put it under my name which</p> <p>10 is my daughter's name. And then we didn't know that</p> <p>11 were were going to get this big old from this loan</p> <p>12 company.</p> <p>13 Q. Okay. Let me ask you a couple questions about</p> <p>14 that. Did Ben explain whether there would be any</p> <p>15 upfront charges for them doing any work on your alarm</p> <p>16 system that day?</p> <p>17 A. None.</p> <p>18 MR. HERBERT: Object to form.</p> <p>19 Q. And you testified that at some point, it sounds</p> <p>20 like, you got a bill was that at a later date?</p> <p>21 A. Well, it might --</p> <p>22 MR. HERBERT: Form.</p> <p>23 A. -- 24 hours type thing. She got it against her</p> <p>24 credit, which her credit is great, and she got, like,</p> <p>25 a notice. She's like what is this and that's when I</p>

<p style="text-align: right;">Page 30</p> <p>1 immediately, you know, text Ben and it was like, no, I 2 don't want this, we didn't talk about this, this 3 shouldn't be like this. The charges that were on 4 there were ridiculous. 5 MR. HERBERT: I'm sorry. I'm sorry, Eric. 6 I'm just going to have to note an objection to the 7 form and move to strike the testimony as 8 nonresponsive. 9 Q. Ms. Mariso, I was just going to ask a couple of 10 additional questions about this topic. It sounds like 11 at some point after the date you interacted with Ben 12 your daughter Nia got a bill from a company related to 13 the work that Vivint did in your home; am I 14 understanding your testimony correctly? 15 MR. HERBERT: Objection. 16 A. Yeah. 17 Q. Okay. And just so -- I'll ask some very 18 particular questions if you can just answer the 19 question that I ask and we'll have a more general 20 conversation. 21 A. Okay. 22 Q. Do you remember how long after the day that you 23 interacted with Ben your daughter received that bill? 24 A. Maybe 24 hours. 25 Q. Okay. And when she received that bill you said</p>	<p style="text-align: right;">Page 32</p> <p>1 matter, that was not what he explained to me. 2 He promised me that he wouldn't -- he would do 3 what he had to do, how would you put it, not to let it 4 exceed -- 5 MR. HERBERT: I'm going to have to impose 6 an objection and move to strike the testimony again as 7 nonresponsive. 8 Q. Did all of those statements that you just 9 recounted for the jury, did those statements induce 10 you or lead you to do business with Vivint? 11 MR. HERBERT: Object to form. 12 THE WITNESS: Object -- okay. 13 MR. HERBERT: I'm objecting to the form of 14 the question because, Ms. Mariso, I believe you 15 testified that you're not the person who signed the 16 contract so you didn't personally enter into any 17 contract with Vivint. 18 A. Yeah. I signed it or well, Nia -- well, 19 it's -- I signed it but -- did she sign anything? I 20 would have to look and see but I handled everything 21 and that's why I was able to talk to the Vivint lawyer 22 back then and everybody that I spoke to in Vivint I 23 spoke to them because it was my house, I handled it. 24 Yes, he put her name down but she wasn't in charge of 25 that bill, I was.</p>
<p style="text-align: right;">Page 31</p> <p>1 that you were surprised. Can you describe for the 2 jury why you reacted that way? 3 MR. HERBERT: Object to form, leading. 4 Q. Go ahead. 5 A. Because the amount of money that was on there. 6 I wasn't expecting to pay that. 7 Q. And why were you not expecting to pay that? 8 A. Because I didn't know that we were putting out 9 a loan to help pay for this equipment. He literally 10 signed us up for a loan to pay for this equipment. 11 Q. And that was going to be my question, is the 12 day that you were speaking with Ben in your home did 13 he explain that to you? 14 A. No, not in that matter. No, he did not. 15 Q. Do you recall what he did say the day he was in 16 your home in regard to the paperwork you were signing 17 and what you were signing up for? 18 A. That I knew that I didn't want my bill to go 19 anyplace past \$69, which would have been \$20 more and 20 my daughter said okay well, I'll help you with that, 21 and that was it. When we got this bill it was like 22 99, 109, whatever it was. I probably still have the 23 papers someplace on my e-mail, I don't remember the 24 exact amount, but it was not an amount that I was to 25 pay. Even if it was \$40 more, it was 89.99, it didn't</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. Okay. And let me ask you a couple more 2 questions on that, Mrs. Mariso. Do you -- is the home 3 titled in your name? 4 A. Yes, it is. 5 Q. And the contract with CPI we looked at earlier, 6 that was in your name as well? 7 A. Yes. 8 Q. I'm going to pull up what I marked as Exhibit 9 2. For the record this is Vivint 7847 through 48. 10 So Mrs. Mariso, I pulled up on my screen what I 11 marked down here Exhibit 2. Are you able to see that 12 okay? 13 (Plaintiff's Exhibit 2 was marked for 14 identification.) 15 A. Yes, I am. Nia signed it. Yes, see all that 16 money? They're crazy. 17 Q. Up at the top do you see where it says Vivint? 18 A. Yes. 19 Q. Okay. And down here under customer name it 20 says Nia Mariso; do you see that? 21 A. Right. Yes. 22 Q. And it also has Phillip Mariso? 23 A. Yes. 24 Q. And again, who is Phillip Mariso? 25 A. That's my husband.</p>

<p style="text-align: right;">Page 34</p> <p>1 Q. Scrolling down of the bottom of the document 2 here -- 3 A. And they signed it, yes. I didn't put my name 4 on anything but I was still the one that got out of 5 the contract because I handle our business. But 6 anyway, yeah, they signed it. They said yeah, we'll 7 sign it. 8 Q. And I wanted to direct your attention down here 9 at the bottom of the document. 10 A. It was 2020. Okay. 11 Q. Says date of transaction; do you see that? 12 A. Okay. Yes. 13 Q. And does looking at that date does that refresh 14 your recollection? 15 A. It is. It's correct. 16 Q. And so what was the date that you had this 17 interaction with the Vivint sales representative? 18 A. If that's August and this is September 3rd. So 19 it had to be, like, the day before or that day when 20 that was -- yeah, because they signed it here -- yeah, 21 so it was August 28th exactly. Okay. 22 Q. And what year? 23 A. I think it was two or three days that they have 24 on that little card that we had to get out of it but 25 then it was a weekend I think or something happened</p>	<p style="text-align: right;">Page 36</p> <p>1 correctly? 2 A. Correct. 3 Q. And why did you -- being the homeowner of this 4 address why did you not sign this document? 5 A. Well, I mean the husband's the homeowner as 6 well but I don't want my name on there. You know, 7 they liked it, okay go ahead you get it. But then 8 things started falling apart and I was like no. So he 9 understood too that I was making the decisions but 10 they put their name on the document because I didn't 11 want to put my name. 12 Q. Okay. Let me ask you this, in your household 13 are you the final decision maker on these types of 14 decisions? 15 A. There you go. Absolutely. 16 Q. And so the question I want to ask you is, if 17 you did not consent to this happening would it have 18 happened? 19 MR. HERBERT: Object to form. 20 A. No. 21 Q. Okay. Do you recall any further discussion 22 when Nia -- let me strike that for a second. Were you 23 present in the room when either Nia or Phillip were 24 signing any of these documents? 25 A. Yes, I was.</p>
<p style="text-align: right;">Page 35</p> <p>1 because this text is to him on September 3rd. 2 Q. Okay. Well, the particular question I just 3 want to ask right now is the date on this document 4 says 8/28/2020 -- 5 A. Yes. 6 Q. -- does that refresh your recollection in terms 7 of -- 8 A. Yes. 9 Q. -- the date that you actually -- I'm sorry, I 10 just got to finish my question. 11 A. I'm sorry. 12 Q. Does that refresh your recollection as to the 13 date that you interacted with Ben in your home? 14 A. Yes, it does. 15 Q. Okay. And over here at the bottom left there's 16 a name for somebody else; do you see that? 17 A. Mm-hmm yes. 18 Q. Do you recognize that name there? 19 A. Yeah, that's Ben. 20 Q. Okay. And who is that? 21 A. That was the gentleman that sold us the 22 package. 23 Q. Okay. I want to ask you a couple follow-up 24 questions too because you said that you personally did 25 not sign this document; did I understand you</p>	<p style="text-align: right;">Page 37</p> <p>1 Q. Okay. And do you recall any discussion in 2 terms of when these -- this document was presented 3 about -- was there any further discussion about Vivint 4 taking over CPI at that time? 5 MR. HERBERT: Object to the form of the 6 question. 7 A. We got -- this came -- see this was e-mailed to 8 us, this wasn't given to us when Ben was there. 9 That's why -- that's when -- I'm getting ready to 10 skoal down on my computer but that's your exhibit. 11 We got that -- we didn't get that the night 12 of -- when the contract was closed. This came to us, 13 like, in the e-mail or what have you. 14 Q. Okay. Let me ask that question is, in what 15 form was this document presented to you? Was it on 16 paper or electronically on, like, a tablet? 17 MR. HERBERT: Object to form. 18 A. Electronic. 19 Q. And when it was presented to you and Nia and 20 Phillip were you all given an opportunity to flip 21 through the document? 22 A. No, because the card had -- what he left with 23 us had already said that we had a certain amount of 24 days. Then when she got this in her e-mail and we 25 looked at it that's when I was, like, come get your</p>

<p style="text-align: right;">Page 38</p> <p>1 equipment.</p> <p>2 Q. Okay. I'm going to pull down Exhibit 2. At</p> <p>3 any time on August 28th of 2020 when Ben was in your</p> <p>4 home do you recall either you or Nia or Phillip being</p> <p>5 placed on a phone call to, like, Vivint headquarters</p> <p>6 to go through a series of questions on the phone?</p> <p>7 MR. HERBERT: Object to form.</p> <p>8 A. No. I don't recall that, no.</p> <p>9 Q. Do you recall -- and again --</p> <p>10 A. I know he told me to call CPI because I had to</p> <p>11 call them to disalarm the system but we were -- I</p> <p>12 don't believe so no.</p> <p>13 Q. Again, did you and your daughter and your</p> <p>14 husband were you all in the same room throughout the</p> <p>15 course of this interaction with Ben?</p> <p>16 A. Yes, we were.</p> <p>17 Q. Do you have any memory of anyone else talking</p> <p>18 on the phone with a customer service representative at</p> <p>19 Vivint to go through a series of questions in</p> <p>20 conjunction with signing the Vivint paperwork?</p> <p>21 MR. HERBERT: Object to form.</p> <p>22 A. I don't believe so, Eric. But I know Ben was</p> <p>23 on the phone and he handled a few things but I don't</p> <p>24 remember any of us speaking to anyone on the phone.</p> <p>25 Q. What do you recall about Ben being on the</p>	<p style="text-align: right;">Page 40</p> <p>1 use the bathroom and I didn't want him to go upstairs</p> <p>2 in my mom's bathroom because she has her own section</p> <p>3 here and I wasn't allowing him so he got a little bit</p> <p>4 of an attitude but I don't care but anyway.</p> <p>5 Q. Were you concerned because of the pandemic</p> <p>6 issues?</p> <p>7 A. Yeah.</p> <p>8 Q. And was he wearing a mask?</p> <p>9 A. I believe so, yes. Yes, he was wearing a mask.</p> <p>10 Q. Can you just describe for the jury what work he</p> <p>11 did on your alarm system that day?</p> <p>12 A. What he did?</p> <p>13 Q. Yeah.</p> <p>14 A. Yeah. First thing he did which I didn't like</p> <p>15 was that he put that -- you know how they have the box</p> <p>16 against the wall because we have it in another hall</p> <p>17 over there with CPI he placed someplace where</p> <p>18 everybody can't see it and it's not visible and if</p> <p>19 we're going into the garage we do it right there but</p> <p>20 he put it on the wall right here. So that was a --</p> <p>21 that was there, the first thing that made me upset, he</p> <p>22 changed the placement of our box -- of the box. Then</p> <p>23 he changed -- he just -- I just got upset. He was</p> <p>24 just -- and then it was late, it was late at night.</p> <p>25 Who comes to your house after ten o'clock at night to</p>
<p style="text-align: right;">Page 39</p> <p>1 phone?</p> <p>2 MR. HERBERT: Object to form.</p> <p>3 A. Speaking to maybe a representative from Vivint</p> <p>4 and definitely when he spoke to the gentleman that</p> <p>5 came to install the equipment. And I thought</p> <p>6 turnaround time was even too fast, he just made it</p> <p>7 happen just too fast.</p> <p>8 Q. Okay. That was going to be next line of</p> <p>9 questions is after the electronic paperwork was taken</p> <p>10 care of how long after that did they actually start</p> <p>11 working on the equipment in your home?</p> <p>12 A. Ben left and then the guy came within half an</p> <p>13 hour maybe.</p> <p>14 Q. And do you recall the name of this other person</p> <p>15 who came about --</p> <p>16 A. No, I don't. I don't.</p> <p>17 Q. And when he arrived do you remember what he</p> <p>18 did?</p> <p>19 A. You know what, it was during that because he</p> <p>20 asked to use and he couldn't -- yeah, it was during</p> <p>21 COVID. Okay. Okay. I just remembered something</p> <p>22 else. What was the question, Eric? I'm sorry.</p> <p>23 Q. Yeah. What just, I guess, spurred your memory</p> <p>24 there?</p> <p>25 A. No. It was during 2020 because he had asked to</p>	<p style="text-align: right;">Page 41</p> <p>1 put in equipment? It just was all so mysterious.</p> <p>2 Q. Okay. Let me ask a couple questions on that.</p> <p>3 Do you recall generally what time he arrived first</p> <p>4 arrived to your home?</p> <p>5 A. It had to be 9:00, 9:30. It was late.</p> <p>6 Q. And do you recall about what time he finally</p> <p>7 left your home?</p> <p>8 A. Yeah. It was at least an hour and a half so it</p> <p>9 was pretty late 'cause I was getting very annoyed.</p> <p>10 Q. When he began working in your home, again, you</p> <p>11 had a CPI alarm system already in the home, correct?</p> <p>12 A. Yes.</p> <p>13 Q. Did he -- what did he do with the CPI alarm</p> <p>14 equipment that was already in your home?</p> <p>15 A. He put it all together. We had it so CPI able</p> <p>16 to come and take that down and put my CPI back. We</p> <p>17 had all the equipment, we still had everything.</p> <p>18 Q. Okay. And that was my question is when he did</p> <p>19 the work did he, for lack of a better term, integrate</p> <p>20 the alarm equipment that was already in your home into</p> <p>21 that new system or did he put in all new equipment?</p> <p>22 A. No. That's why -- okay. He took everything</p> <p>23 off or everything down, however you want to put it,</p> <p>24 but the system that goes on the wall, the box, he was</p> <p>25 not able to override CPI's code for the door lock,</p>

<p style="text-align: right;">Page 42</p> <p>1 that's why he couldn't change the door lock. So then 2 we were with a door that it wouldn't respond to 3 locking it and it wouldn't respond to the app and you 4 know. So that's when he said they were going to come 5 back. So I got in touch with Ben and he did as well 6 and he said he couldn't override it for whatever 7 reason and Ben was saying how they usually could, did 8 you call, did you tell them, yes I had called, I told 9 them to disarm it. But still, like I was saying, for 10 some reason they couldn't override it and those were 11 his words. And then I'm left here with no -- it was a 12 lock on the door but it was CPI's lock because he 13 couldn't because he couldn't put his lock on it 14 because it wouldn't allow him to for whatever reason, 15 and we didn't have a system for the door lock and that 16 was like a day that he didn't come back and that's 17 when I got in touch with Ben and then we had received 18 that enormous bill and I was like come get your 19 equipment. So he couldn't put everything the way it 20 should have been. 21 Q. When he was doing that work on the door code, 22 the CPI door code, did you ever have any further 23 discussion with the installer about the topic of 24 Vivint taking over CPI? 25 MR. HERBERT: Object to form.</p>	<p style="text-align: right;">Page 44</p> <p>1 A. And that's also -- go ahead. 2 Q. Go ahead. I didn't mean to interrupt you. Go 3 ahead. 4 A. And it comes on the phone and that's again when 5 I called CPI again to let them know no, I had the 6 system removed. And then I had to eat crow and call 7 them back to ask them to please come put my system 8 back. 9 Q. Okay. Let's turn and talk about that issue. 10 How many days went by before you, I guess, took any 11 other action with respect to your alarm system? 12 A. I could really look back. It had to be within 13 the week. It was definitely within the week. Now, I 14 don't remember -- I think it was at least two to three 15 days by the time I asked CPI to come and put my 16 equipment back because Ben wouldn't send the guy out 17 to take the equipment down so I asked CPI -- go ahead. 18 I'm sorry. 19 Q. I was just going to pause you there so I could 20 ask you some questions about that. 21 A. Okay. 22 Q. You just testified that you called Vivint to 23 come remove their system. Why -- 24 A. September 3rd to be exact. It's September 3rd 25 that I asked Ben to please -- I'm asking you again</p>
<p style="text-align: right;">Page 43</p> <p>1 A. No, not with him. He was just -- no, I didn't. 2 Q. Was it still your understanding that Vivint was 3 taking over CPI? 4 MR. HERBERT: Object to form. 5 A. Was it still -- you said don't answer or to 6 answer? 7 Q. You can answer subject to the objection. 8 A. Okay. So you said was it silly to understand? 9 Q. No, I'm sorry. I may have misspoke or you may 10 have misheard me. You testified earlier that Ben had 11 told you that Vivint was taking over CPI. 12 A. Yes. 13 Q. And so my question is, when the technician was 14 having problems kind of overriding the CPI door code 15 was it still your understanding that Vivint was taking 16 over CPI? 17 MR. HERBERT: Object to the form. 18 A. Yes, it was. But it was never spoken about 19 with the technician. 20 Q. Okay. At any point when they kind of took down 21 the CPI system did alarm dispatcher or CPI ever 22 contact you? 23 A. Sure. It comes on your phone. It comes on my 24 phone. 25 Q. Okay.</p>	<p style="text-align: right;">Page 45</p> <p>1 please come -- have someone come out and remove the 2 equipment that has been installed. I will greatly 3 appreciate it if this can be done ASAP. 4 Q. And -- 5 A. And that's September 3rd. 6 Q. It looks like maybe you were looking at your 7 phone, is that what you were just doing? 8 A. Yes. 9 Q. Did you have a series of text messages with 10 Ben? 11 A. No. Well, he didn't respond and whenever I 12 called he didn't respond so that led me to be even a 13 little more upset and that's when it had to be after 14 September 3rd that I called CPI to ask them to please 15 come and put my equipment back. And then I started my 16 complaints with the Better -- I made a few complaints 17 through a few different people and in return they also 18 got in touch with Vivint and what money we had paid 19 was refunded. 20 MR. HERBERT: Objection. Move to strike 21 the testimony as nonresponsive. 22 Q. Let me ask, why did you reach out to Vivint or 23 to Ben to have them come remove their system? 24 A. Because the money they had received and also 25 because they didn't come to put -- I had no door lock,</p>

<p style="text-align: right;">Page 46</p> <p>1 you know, from Vivint, I still had the CPI door lock. 2 So they never completed the job so as far as I was 3 concerned the contract wasn't completed anyway because 4 you didn't do what you needed to have done. And 5 that's what was in my complaint also to the Better 6 Business -- I sent out e-mails to a few people. But 7 anyway, go ahead because I'm not supposed to answer 8 unless you ask me. I'm sorry. 9 Q. No problem. I just want to ask a follow up to 10 that. Did Ben tell you specifically that the door 11 code that you currently had in your home when he 12 visited you would continue to work with Vivint's 13 system? 14 MR. HERBERT: Object to form. 15 A. They said that they were going to put in 16 their's, that they could override it. 17 Q. And so when you reached out to Ben did he ever 18 respond to you? 19 A. He did once by phone, never by text, and then 20 it was like after that he was like a ghost. I never 21 seen or heard from him again. 22 Q. When he reached out to you by phone can you 23 describe what the conversation was you had with Ben at 24 that time? 25 MR. HERBERT: Object to form.</p>	<p style="text-align: right;">Page 48</p> <p>1 taken down because I had gone back to CPI and they 2 finally connected me to a supervisor which eventually 3 a lawyer called and she said sorry, you know, and give 4 me back my money, what have you, whatever, don't worry 5 about the contract. But that's only because too that 6 they had heard from the Consumers -- I had e-mailed a 7 few people. So that's really because they had heard 8 from all of them probably. 9 MR. HERBERT: Move to strike the testimony 10 as nonresponsive. 11 THE WITNESS: Sorry. 12 Q. No problem, Mrs. Mariso. Just the way that 13 this process works is I try to ask questions I can and 14 if you can try to answer the question that I ask. 15 A. Okay. 16 Q. I'll try to ask a few more questions on all 17 these issues. 18 A. Okay. 19 Q. My first question was just how many times do 20 you recall calling Vivint to try to get this issue 21 addressed? 22 A. Maybe three. 23 Q. And between those three calls can you estimate 24 how much time you actually spent on the phone? 25 A. With the whole time maybe one time 50 minutes</p>
<p style="text-align: right;">Page 47</p> <p>1 A. He assured me that the guy was going to -- 2 okay. He assured me that the gentleman was going to 3 come and be patient and we just misunderstood each 4 other. No, when I'm getting a bill like this I didn't 5 misunderstand anything. I know what you told me, what 6 you promised me, and I would love for someone to come 7 and take the equipment out and then he said it was 8 past the time that was on the card that he left with 9 us. And I said yeah but I don't even have a door lock 10 so it doesn't matter about the time frame from the 11 August 20th till like September 1st or 2nd. And like 12 I said, that's when I finally called CPI and had them 13 come and take it all down because I wasn't paying for 14 it. 15 Q. In addition to talking with Ben did you ever 16 try to call anyone at Vivint? 17 A. Yes. 18 Q. How many times did you call Vivint? 19 A. The customer service there is horrible. When I 20 finally got through to someone -- I probably can look 21 back and see notes but I don't remember her name but 22 they told me -- first they told me what Ben told me 23 that I had waited past the time and I said nope it 24 doesn't matter, I want this equipment out of my house, 25 it's already -- by that time the equipment had been</p>	<p style="text-align: right;">Page 49</p> <p>1 or more, just whole time but determined not to hang up 2 because if you hung up and you call back the whole 3 time -- and I understand too because in Indiana -- 4 where were they at? They were someplace else. And I 5 understand also it's COVID there, because it was COVID 6 everyplace so their staff was small as well. So when 7 I did speak to someone she tried to explain it to me, 8 then she got a gentleman finally to get on and talk 9 with me. But it was always such a long time holding 10 and then like I said finally someone got back to me. 11 MR. HERBERT: Same objection, same motion. 12 THE WITNESS: Okay. 13 Q. And so it sounds like you at least spoke to an 14 initial customer service representative. Did they 15 ever transfer you on to somebody else? 16 A. Yes. 17 Q. And who did they transfer you to; do you 18 remember? 19 A. She transferred me to a gentleman that was her 20 supervisor. 21 Q. Now, you also mentioned a moment ago that at 22 some point you spoke to an attorney; did I hear you 23 right? 24 A. Yes, from Vivint. 25 Q. Okay. And how did that come about?</p>

<p style="text-align: right;">Page 50</p> <p>1 A. Because they were closing it and they want to 2 send me back my money and, you know, all of that sort 3 of thing. 4 Q. Okay. And then you also mentioned a moment ago 5 that you ended up filing some complaints with 6 different entities; did I understand you correctly 7 there? 8 A. Yes. 9 Q. Can you describe for the jury what sort of 10 complaints that you filed and who with? 11 MR. HERBERT: Object to form. 12 A. I believe it was the Consumers of -- I would 13 have to look. It was -- I know the Better Business 14 Bureau, it's letters BB, whatever, and then the 15 Consumers of something, something. I know it was 16 three of them. And I don't remember the others right 17 now. 18 Q. And why did you go to that length to file those 19 complaints? 20 A. Because I didn't like what they had done and 21 then they left that equipment here, I wanted them to 22 come and get that equipment so I wouldn't be 23 responsible for it. 24 Q. Before you filed those complaints were you able 25 to get Vivint to address the issues that you had?</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. Okay. The other questions I wanted to ask were 2 just once you resolved your issues with Vivint did you 3 ask CPI to come back to your home at any point? 4 A. No. It had been -- they had already given 5 me -- CPI had already did me right. I was just 6 waiting for Vivint to come and get the equipment. And 7 we boxed everything the way that -- and I took a 8 picture of everything that they had installed. It was 9 all taken down and boxed in the correct box and -- 10 yeah. 11 Q. When did CPI send a technician back to your 12 home? 13 A. It had to be around September 4th or 5th, I'm 14 not sure. I don't remember. I'd have to look back 15 and see but I don't remember off the top of my head. 16 Q. To the best that you can recall was it within a 17 week or two? 18 A. Exactly. So that was -- it had to be around 19 the 5th or 6th, maybe, September. 20 Q. And did CPI charge you any additional money 21 to -- 22 A. No, not that all. 23 Q. Just a few final questions. Do you believe 24 that Ben, the Vivint sales representative that came to 25 your door on August 28th of 2020, fairly and</p>
<p style="text-align: right;">Page 51</p> <p>1 A. No. 2 Q. After you filed those complaints did you hear 3 from Vivint? 4 A. Yes. 5 Q. Is that the time that you eventually were 6 contacted by an attorney on behalf of -- 7 A. Yes. 8 Q. And after you filed those complaints did they 9 agree to the resolution that you wanted? 10 A. Yes. 11 Q. And what was that? 12 A. To come and get the equipment and refund me my 13 money. 14 Q. Do you remember how much money they had charged 15 you? 16 A. My daughter -- 17 MR. HERBERT: Object to form. 18 A. I'm sorry what did he say? 19 MR. HERBERT: I just said I object to the 20 form of the question. 21 A. I don't remember the exact amount but they sent 22 us a check and she sent someone to get the equipment 23 and once they got the equipment then they let them 24 know that they got the equipment and then they 25 refunded me.</p>	<p style="text-align: right;">Page 53</p> <p>1 accurately represented Vivint's products and services 2 to you? 3 MR. HERBERT: Object to form. You can 4 answer. 5 A. No. No, I do not. 6 Q. Do you believe that he was truthful in his 7 interactions to you? 8 A. No, I do not. 9 Q. Do you believe he was deceptive in the 10 statements he made to you? 11 A. Very much so. 12 Q. And why did you ultimately come back to CPI 13 after being visited by Ben and having your system 14 swapped over to Vivint system? 15 A. First of all, customer service. To me that's 16 very important. Secondly, I like my 49.99 and the 17 equipment was the same. I mean, the backyard camera, 18 the front camera, talking, I didn't see any -- look, I 19 think one thing with Vivint the range outside is, you 20 know, bigger, you know, down the way but still, when 21 someone comes to your door I can still look at my 22 phone and see who it is. And it's the customer 23 service and the price and I didn't like the deception. 24 That was not good. 25 MR. HOBBS: Okay. Those are the only</p>

<p style="text-align: right;">Page 54</p> <p>1 questions I have right, Mrs. Mariso. Mr. Herbert will 2 have an opportunity to ask you some questions on 3 behalf of Vivint and I might have a few follow-up 4 questions. I will say if you need to take a break now 5 might be a good time to do it. We can take five 6 minutes. 7 THE WITNESS: Okay. I'm going to get 8 water. 9 MR. HOBBS: Okay. Well, let's go ahead 10 and take five minutes and come back at 2:15 your time 11 and we'll go from there. Thank you. 12 THE VIDEOGRAPHER: All right. Time is 13 2:11 p.m., we're off the record. 14 (A recess was taken.) 15 THE VIDEOGRAPHER: The time is 2:12 16 p.m. -- 2:18 p.m., we're back on the record. 17 EXAMINATION 18 BY MR. HERBERT: 19 Q. Good afternoon, Mrs. Mariso. And am I saying 20 that is right, is it Mariso? 21 A. Yes, it is. 22 Q. Okay. Thank you. Ms. Mariso, one big picture 23 question I have for you is that the end result of this 24 process was that before the events that you testified 25 about you had a contract with CPI, correct?</p>	<p style="text-align: right;">Page 56</p> <p>1 husband out in the yard and you were in the house; is 2 that right? 3 A. Yes, absolutely. 4 Q. Okay. So then the initial sales pitch that the 5 Vivint rep made to your daughter and husband, you 6 didn't hear that initial pitch, right? 7 A. No, no. 8 Q. Okay. They later may have summarized it or 9 told you about what the sales rep said, right? 10 A. Well, he came and they said he could better 11 explain it so we allowed him yes and he explained it. 12 Q. Okay. And I know you testified that you had 13 called CPI a couple times or CPI had called you to 14 discuss this interaction, right? 15 A. No. That evening I called CPI to cut it off 16 and then after that when I wasn't satisfied with 17 Vivint I called CPI to come to re -- put it back. 18 Q. Right. And I want to ask you a couple of 19 questions about some of your conversations with CPI 20 after the fact, after the date that you testified 21 about when you were calling them to talk about these 22 events, that's what I want to ask you about some of 23 that. Okay? 24 A. Okay. 25 Q. You remember you had told CPI in those phone</p>
<p style="text-align: right;">Page 55</p> <p>1 A. Yes. 2 Q. And that was a contract that you had signed 3 that contract as we saw in the document, right? 4 A. Yes. 5 Q. And at the end of this process you ended up 6 renewing your contract with CPI for a period of 36 7 months; is that right? 8 A. Yes. 9 Q. Do you recall that around the time this 10 interaction your prior contract with CPI was getting 11 close to expiring and had about 5 months left on it, 12 right? 13 A. Yes. 14 Q. And also the end result was that Vivint didn't 15 get any of your money in the end, right? 16 A. Well, we got a refund. Yes, they did get money 17 from us. 18 Q. But they refunded it, right? That was the end 19 result? 20 A. Yes, they refunded it. 21 Q. And I wanted to talk a little bit about the 22 initial interaction with your daughter and your 23 husband with the Vivint sales rep that you testified 24 about. I believe you indicated that the Vivint sales 25 rep was first talking to your daughter and your</p>	<p style="text-align: right;">Page 57</p> <p>1 calls that you really liked the equipment that Vivint 2 had, that it was very sleek and very modern; do you 3 remember that? 4 A. Yes. 5 Q. You really liked the thermostat, that was one 6 thing in particular I think that you indicated that 7 you liked a lot? 8 A. Right. Because CPI had called me to ask me why 9 did I switch over initially, yes. 10 Q. Right. And in that phone call when they first 11 called you about why did you switch over you remember 12 you had indicated that you had heard some comments 13 made by the CEO of CPI regarding the Black Lives 14 Matter movement? 15 A. Was it recorded? 16 Q. Yes. 17 A. Okay. What did he say? Yeah, we talked a lot. 18 He was telling me some things, yes, about Vivint and 19 initially the gentleman that was there, right, that 20 was working for CPI, yes, and -- yeah, that one of the 21 head gentleman, yes. 22 Q. Do you remember if you talked to a guy named 23 Felix; do you remember that? 24 A. Yep. 25 Q. You said Felix like Felix that cat, you</p>

<p style="text-align: right;">Page 58</p> <p>1 mentioned that?</p> <p>2 A. Absolutely. Felix was great, yes.</p> <p>3 Q. You remember that he personally apologized to</p> <p>4 you for some of the comments that the CEO of CPI had</p> <p>5 made that came up in that conversation?</p> <p>6 A. Yes, he did and I informed him that some of</p> <p>7 that stuff I hadn't heard anyway. But he was telling</p> <p>8 me that also because -- yeah, because Ben had said --</p> <p>9 yeah, I don't want to rehash -- but yes, he apologized</p> <p>10 to me, yes.</p> <p>11 Q. Let me ask you, did your daughter bring up</p> <p>12 those comments that the CEO of CPI made about the BLM</p> <p>13 movement?</p> <p>14 A. Yeah, I believe that she did because I believe</p> <p>15 Ben had said something to that nature so it was like</p> <p>16 we got to get out of CPI, you know.</p> <p>17 Q. Your daughter said that to you that was one of</p> <p>18 the reasons why she wanted to get out of CPI because</p> <p>19 of those comments?</p> <p>20 A. Some things that Ben had said and some things</p> <p>21 that she had heard, exactly.</p> <p>22 Q. And the contract that was entered into with</p> <p>23 Vivint was only signed by your daughter Nia --</p> <p>24 A. Yes.</p> <p>25 Q. -- and your husband Phillip, correct?</p>	<p style="text-align: right;">Page 60</p> <p>1 there or their signs or their logos?</p> <p>2 A. Yes. ADT, right? I believe it's ADT. We have</p> <p>3 some ADTs out here but that's all. I think now we</p> <p>4 might have one or two Vivints but it's CPI basically</p> <p>5 or it's ADT.</p> <p>6 Q. Okay. Do you recall what the ADT sign looks</p> <p>7 like by any chance?</p> <p>8 A. Is it blue and white? I don't recall. I think</p> <p>9 it might be blue and white. I don't know.</p> <p>10 Q. Okay. And going back a little bit back in 2017</p> <p>11 when you first entered into the agreement with CPI,</p> <p>12 I'm going to ask you to think back at that time. At</p> <p>13 that time were you aware of ADT as a company, had you</p> <p>14 heard of their name?</p> <p>15 A. I'm quite sure I had. I had heard -- yeah.</p> <p>16 But like I said, basically the builders said the CPI</p> <p>17 thing so just went along with it.</p> <p>18 Q. Okay. Ask you one other question regarding the</p> <p>19 mention of ADT. Do you recall in one of your</p> <p>20 conversations with Felix from CPI do you recall him</p> <p>21 telling you that all the equipment that CPI and ADT</p> <p>22 and Vivint use that it's all basically the same</p> <p>23 equipment?</p> <p>24 A. Yeah. I think the same company -- it's one</p> <p>25 company that makes all of the different units, I</p>
<p style="text-align: right;">Page 59</p> <p>1 A. Yes, absolutely.</p> <p>2 Q. So the only contracts that you ever signed were</p> <p>3 contracts with CPI, the old contract you had before</p> <p>4 this interaction and then your current contract you're</p> <p>5 under now, right?</p> <p>6 A. Yes.</p> <p>7 Q. Let me ask you, you indicated that when you</p> <p>8 initially entered into your contract with CPI you had</p> <p>9 never heard of CPI the company before; is that right?</p> <p>10 A. No. We didn't use alarm systems in New York.</p> <p>11 Well, they -- but no, I hadn't never heard of it, no.</p> <p>12 Q. Okay. So you didn't know what CPI's logo or</p> <p>13 sign looked like at the time when you --</p> <p>14 A. No, I did not.</p> <p>15 Q. Okay. So that contract you signed you</p> <p>16 indicated it was something that the builder kind of</p> <p>17 suggested to you that to you that this is an alarm</p> <p>18 company they recommend or something like that?</p> <p>19 A. Yeah. Because it was like it wasn't in the</p> <p>20 package but this is who they were using but if you</p> <p>21 wanted to change it you could. But I didn't know one</p> <p>22 so we just said no, we'll go with CPI. So as they</p> <p>23 build they build the wires in the wall and stuff</p> <p>24 already.</p> <p>25 Q. Are you familiar with other alarm companies out</p>	<p style="text-align: right;">Page 61</p> <p>1 believe. Yes.</p> <p>2 Q. Okay. Okay. Is it fair to say that --</p> <p>3 A. Can I say something? I'm sorry.</p> <p>4 Q. Of course.</p> <p>5 A. Felix was trying to explain to me that one</p> <p>6 wasn't that much better than I thought. One wasn't so</p> <p>7 much inferior than the other because it's just one</p> <p>8 company that makes everything.</p> <p>9 Q. Right. And that's what I was going to get at</p> <p>10 next. Is it fair to say that part of the reason that</p> <p>11 your husband and your daughter were impressed and</p> <p>12 wanted to switch from CPI to Vivint was because --</p> <p>13 because of the equipment that they perceived it to be</p> <p>14 better, more modern; is that a fair statement?</p> <p>15 A. Yes.</p> <p>16 MR. HOBBS: Object to form, foundation.</p> <p>17 THE WITNESS: Oops.</p> <p>18 Q. And then in your call CPI the CPI</p> <p>19 representative was essentially telling you no, no, no,</p> <p>20 that's not true you got a misconception or</p> <p>21 misunderstanding, these companies equipment is all</p> <p>22 pretty much the same and that was part of the reason</p> <p>23 why you were okay with going back and switching back?</p> <p>24 A. No. They gave me -- they upgraded my</p> <p>25 equipment. Because in each company -- everybody --</p>

<p style="text-align: right;">Page 62</p> <p>1 just all the technology it upgrades. So they upgraded 2 my equipment. 3 Q. Okay. So CPI agreed to upgrade the equipment 4 that CPI was giving you under your current contract -- 5 A. Yes. 6 Q. -- which was much different than the equipment 7 you had under your prior contract? 8 A. Absolutely. 9 Q. Okay. So then -- and the equipment you got 10 from CPI, the new equipment, the equipment you have in 11 your house now, from your perspective it looks and it 12 operates somewhat similar to the equipment that the 13 Vivint sales rep was showing you when he made the 14 sales pitch to your family? 15 A. Yes. 16 Q. Okay. And so that new equipment you got now is 17 definitely an upgrade from the prior CPI equipment 18 that you had, right? 19 A. Yes. 20 Q. Okay. So wanted to talk a little bit about 21 your testimony about the call you needed to make to 22 CPI after the interaction with the Vivint sales rep 23 with your daughter and your husband. I believe you 24 indicated that he told you all that you need to call 25 CPI because you got to disarm their system, right?</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. Let me ask you, in the BBB complaint that you 2 filed you didn't make any mention of this umbrella or 3 takeover statement as one of the reasons why you 4 wanted to cancel your contract with Vivint. 5 A. No. Just that I was miss -- no, I did not. 6 Q. Okay. You mentioned the pricing issue and the 7 financing issue but you didn't mention this umbrella 8 takeover concept, right? 9 A. No, I did not. 10 Q. And Mr. Hobbs asked you a little bit about 11 whether or not you had -- at the time that your 12 daughter and your husband signed the contract with 13 Vivint if they had a call or video call with your 14 daughter or your husband asking them some questions. 15 A. Especially not a video call, no. Nope. 16 Q. Do you remember that the sales rep had a phone 17 out and asked your daughter a series of questions that 18 they were questions that came up and then she had to 19 answer the questions to move the process along? 20 A. Yeah, I believe that she did. To my 21 recollection -- yeah. He was on the phone but she 22 never spoke to anyone, he might have asked her 23 questions and he gave the response to the person on 24 the other end but Nia never spoke to anyone. 25 Q. Okay. But Nia being the one that signed the</p>
<p style="text-align: right;">Page 63</p> <p>1 A. Yes. 2 Q. And then there's was an issue with the door 3 lock and he said they were trying to ask you to 4 contact CPI to try to override that CPI door lock, 5 right? 6 A. Right. 7 Q. At that point you understood that CPI was a 8 separate company from Vivint, right? 9 MR. HOBBS: Object to form. 10 A. They were always separate companies but what I 11 think Ben was trying to tell us was that, what is that 12 called, Vivint was going to take over CPI. It was 13 going to be an umbrella type thing. 14 Q. But you understood at the time you had to call 15 CPI? 16 A. Yeah. It was CPI and then it was Vivint, yeah. 17 Q. Okay. Okay. And let me ask you a little bit 18 about what you testified about the umbrella concept 19 that you just mentioned. Is that something that your 20 daughter told you that the Vivint rep had said when 21 she was talking to them out in the yard? 22 A. No, Ben said it. He said it. 23 Q. What about your husband, did he say that the 24 Vivint rep said that to him? 25 A. No.</p>	<p style="text-align: right;">Page 65</p> <p>1 contract was the one who was answering the series of 2 questions, right? 3 A. Yes. 4 Q. And you recall that Nia was asked if she 5 understands that Vivint was not affiliated with your 6 prior home security provider? You recall that as one 7 of the last questions that they asked her? 8 A. No, I do not. 9 Q. Now, your husband didn't answer any questions 10 like that in that format with the phone and then the 11 series of questions, right, just Nia, right? 12 A. Yes. 13 Q. Let me back up and ask you a little bit about 14 when your daughter mentioned to you about the comments 15 that the CEO of CPI had made about the BLM movement. 16 You might have indicated that you weren't as familiar 17 with those comments, that your daughter was more 18 concerned with them; is that a fair statement? 19 A. Mr. Greg, can you ask me that question again? 20 Q. Yeah, let me back up. Do you recall that there 21 was a controversy about CPI's CEO making some 22 disparaging statements about the Black Lives Matter 23 protesters; do you recall that? 24 A. I do recall that. Yes, I do. 25 Q. Okay. And do you recall that the Charlotte</p>

<p style="text-align: right;">Page 66</p> <p>1 Hornets they terminated their relationship with CPI 2 because of that; did you see that in the news? 3 A. No, I can't say that I did. 4 Q. Okay. 5 A. I don't remember that. 6 Q. You happen to remember Michael Jordan -- you 7 know Michael Jordan the basketball player, right? 8 A. Yes. 9 Q. Everybody knows him, right? 10 A. Mm-hmm. 11 Q. Do you remember that he's the one who made an 12 announcement -- 13 A. Charlotte Hornets, yeah. No, I didn't 14 remember. I don't know. 15 Q. Okay. How about the Carolina Panthers. You're 16 not from North Carolina so you may not be a Panthers 17 fan -- 18 A. Yeah, my daughter says I jump around too much 19 for her. But she would -- no, I didn't recall it. 20 No. 21 Q. All right. So you didn't see anything in the 22 news about the Carolina Panthers terminating their 23 relationship with CPI? 24 A. No, I did not. 25 Q. Okay. What about Bojangles, did you hear about</p>	<p style="text-align: right;">Page 68</p> <p>1 MR. HOBBS: I object to form, foundation. 2 Q. Okay. And the same thing is true with the 3 financing arrangement, the financing arrangement with 4 the separate company, do you recall that that was -- 5 bless you. 6 A. Thank you. 7 Q. Do you recall that the financing arrangement 8 was set forth in the agreement that your daughter and 9 your husband signed with Vivint? 10 A. Ask me the question again. 11 Q. No problem at all. Of course I don't mind. 12 You indicated that -- let me strike that. 13 The fact that there was a financing component 14 connected with this arrangement with Vivint that your 15 daughter and your husband signed, that was disclosed 16 to them in the written contract, correct? 17 A. Yeah. But we didn't receive the written 18 contract, that paper that he showed, that -- we didn't 19 receive that until after everything was done and that 20 night we didn't receive that contract, we had no 21 idea -- go ahead. 22 Q. I'm sorry. Didn't your daughter sign that 23 contract electronically on a tablet? 24 A. Yeah. But -- yeah. Yes, she did. And you 25 scroll and you sign, and then he scroll and you sign,</p>
<p style="text-align: right;">Page 67</p> <p>1 Bojangles ending their relationship with CPI? 2 A. No. I just know that he said some things and a 3 few people were distancing themselves from CPI but me 4 personally, I never heard anything. 5 Q. At the time that the Vivint sales rep was doing 6 the -- has a phone and was asking a series of 7 questions to your daughter, Nia, were you present -- 8 were you there next to her when she was answering 9 those questions? 10 A. Yeah, yeah. We were in the same space, yes. 11 Q. Okay. So do you recall them asking any of 12 those questions about, you know, the financing 13 arrangement, the fact that there would be a second 14 company involved? 15 A. Nope, nope, not at all. 16 Q. Okay. All right. So if I represented to you 17 that we got recordings of your daughter answering 18 those questions -- 19 A. Okay. 20 Q. -- you wouldn't have any reason to dispute that 21 your daughter indicated that she understood that the 22 Vivint was not affiliated with CPI in any way, right? 23 MR. HOBBS: Hold one one second. 24 A. I wouldn't object to it if you have the tape. 25 I can't.</p>	<p style="text-align: right;">Page 69</p> <p>1 and he scroll and you sign. So yeah, she did. 2 Q. And that was there with the gentleman you said 3 was Ben that's when that happened, right, he presented 4 that to her? 5 A. Mr. Greg, I guess so yeah. Probably so. 6 Q. And your husband also signed it too? Scrolled 7 and signed as well, right? 8 A. Probably, yes. Can I say something or not yet? 9 Q. Of course you can. 10 A. Okay. When we finally got it like I'm saying 11 on her e-mail and we saw what it was I was like no 12 this is -- we can't do this. And I don't know -- I 13 don't want change the testimony, I don't know if he 14 changed -- I don't know but whatever it was we weren't 15 accepting it and we were misled. 16 Q. Let me ask you this, you weren't the one that 17 signed the contract with Vivint, right? 18 A. No, I was not. 19 Q. Is it fair to say that your daughter was a 20 little bit more excited or interested in Vivint and 21 their equipment, right? 22 A. Yeah. 23 Q. And she's the one that signed the contract and 24 you were a little bit less interested in it than she 25 was?</p>

<p style="text-align: right;">Page 70</p> <p>1 A. Yes, true.</p> <p>2 Q. And so ultimately once she took a closer look</p> <p>3 at the paperwork and you saw what was all involved in</p> <p>4 the documents that your daughter and husband signed</p> <p>5 you weren't happy about that once you took a closer</p> <p>6 look and wanted to cancel that, right?</p> <p>7 A. Yes.</p> <p>8 MR. HERBERT: I don't think I have any</p> <p>9 further questions Mrs. Mariso. But I might if</p> <p>10 Mr. Hobbs -- I think he's going to have a couple</p> <p>11 follow ups and if he does I might have a couple follow</p> <p>12 ups after him but I'll try hard to keep it brief.</p> <p>13 RE-EXAMINATION</p> <p>14 BY MR. HOBBS:</p> <p>15 Q. Ms. Mariso, I think we're just about done. I</p> <p>16 had to switch over to my fancy little headset here</p> <p>17 because my computer is starting to freeze up on me and</p> <p>18 I was afraid I was going to lose you.</p> <p>19 But are you still able to hear me okay?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. I just want to go to the subjects that</p> <p>22 Mr. Herbert asked you a few questions about the</p> <p>23 controversy surrounding the Black Lives Matter</p> <p>24 movement. You'll recall that that was a very serious</p> <p>25 topic last summer that got a lot of attention; would</p>	<p style="text-align: right;">Page 72</p> <p>1 trying to sell us something. And they're going to use</p> <p>2 whatever they can use and the end result I didn't</p> <p>3 appreciate it, and then when I spoke to Felix and we</p> <p>4 spoke about it even more then I explained that to her</p> <p>5 that to her as well. But yeah, he used that, he</p> <p>6 pushed with that, he used it.</p> <p>7 Q. Did Ben bring up the -- when he was talking</p> <p>8 about the Black Lives Matter did he talk any further</p> <p>9 about why -- about the issue of Vivint taking over</p> <p>10 CPI?</p> <p>11 A. No. Just that it was a better company and they</p> <p>12 had better equipment but nothing in detail, no.</p> <p>13 Q. Okay. And then Mr. Herbert asked you a couple</p> <p>14 questions and part of your testimony was you said that</p> <p>15 Ben was explaining there's kind of different companies</p> <p>16 but they're under the same --</p> <p>17 A. Yes.</p> <p>18 Q. -- umbrella if I recall?</p> <p>19 What specifically did Ben say and if he made</p> <p>20 any gestures can you make clear for the jury kind of</p> <p>21 what that dialogue was.</p> <p>22 MR. HERBERT: Object to form, compound.</p> <p>23 THE WITNESS: I'm sorry, Mr. Herbert.</p> <p>24 MR. HERBERT: That's okay, Ms. Mariso.</p> <p>25 I'm just going to object to the form of the question</p>
<p style="text-align: right;">Page 71</p> <p>1 that be fair?</p> <p>2 A. Yes. My daughter explained it to me.</p> <p>3 Q. Yeah. And I just want to be clear, when Ben</p> <p>4 was in your home on August 28th of 2020, did he bring</p> <p>5 up that issue to you in trying to, I guess, get you to</p> <p>6 make a change with respect to your alarm system?</p> <p>7 A. Yes. Him and my daughter spoke about it, yes.</p> <p>8 And how CPI wasn't that great anymore and they were</p> <p>9 taking over CPI and the gentleman that was in charge</p> <p>10 and this and that and the other and that's why she was</p> <p>11 like mommy we got to get from under CPI, what have</p> <p>12 you, whatever. But then I explained to her well,</p> <p>13 okay. Yes, yes, yes.</p> <p>14 Q. Did it -- what was your reaction to Ben</p> <p>15 bringing up this subject of the Black Lives Matter</p> <p>16 movement while he was in your home trying to convert</p> <p>17 your alarm system?</p> <p>18 MR. HERBERT: Object to form.</p> <p>19 A. I don't think it was fair to use something of</p> <p>20 that nature to try to get business and this is what I</p> <p>21 teach my daughter. See because she has to understand</p> <p>22 the sales pitch. She's just graduating college and --</p> <p>23 well, now she's back in because she's getting her</p> <p>24 master's but you know they're young, they don't</p> <p>25 understand, all she knows is this person is out there</p>	<p style="text-align: right;">Page 73</p> <p>1 among other objections it's a compound question and a</p> <p>2 leading question but you can answer.</p> <p>3 A. He didn't so much -- that was my umbrella thing</p> <p>4 but he did mention that CPI was under Vivint and that</p> <p>5 Vivint was taking over CPI and sort of, like, knocking</p> <p>6 them out and eventually -- from my understanding even</p> <p>7 the name CPI would be Vivint, it wasn't going to be</p> <p>8 anymore CPI. So -- but not necessary, like I said,</p> <p>9 the umbrella thing or any hand gestures or anything of</p> <p>10 that nature. Just that Vivint was better and they</p> <p>11 were taking over CPI.</p> <p>12 MR. HOBBS: Okay. Those are my only</p> <p>13 questions unless Mr. Herbert has anything further.</p> <p>14 MR. HERBERT: No, no further questions.</p> <p>15 Thank you very much for your time, Mrs. Mariso.</p> <p>16 THE WITNESS: Okay.</p> <p>17 THE VIDEOGRAPHER: All right. The time is</p> <p>18 2:45 p.m., we're off the record.</p> <p>19 (Off the record at 2:45 p.m.)</p> <p>20 (Signature was waived.)</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

1 STATE OF NORTH CAROLINA
2 COUNTY OF GUILFORD

3

4 REPORTER'S CERTIFICATE

5 I, Erin Ramsey, a Notary Public in and for the
6 State of North Carolina, do hereby certify that there
7 came before me on Thursday, the 19th day of August,
8 2021, the person hereinbefore name, in Wake County,
9 who was by me duly sworn to testify to the truth and
10 nothing but the truth of his knowledge concerning the
11 matters in controversy in this cause; that the witness
12 was thereupon examined under oath, the examination
13 reduced to typewriting under my direction, and the
14 deposition is a true record of the testimony given by
15 the witness.

16 I further certify that I am neither attorney or
17 counsel for, nor related to or employed by, any
18 attorney or counsel employed by the parties hereto or
19 financially interested in the action.

20 IN WITNESS WHEREOF, I have hereto set my hand,
21 this the 27th day of August, 2021, according to the
22 emergency video notarization requirements contained in
23 G.S. 10B-25.

24

25



Erin Ramsey, Notary Public
Notary Number: 201814200166

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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